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10     *Attorneys for Defendants Cardiovascular Surgery  
11     Associates Profit Sharing Plan and Trust et al.*

12                    **UNITED STATES DISTRICT COURT**  
13                    **DISTRICT OF NEVADA**

14     BRUCE E. MOORE, EXECUTOR OF THE      CASE NO.: 2:04-CV-1724-LDG-GWF  
15     ESTATE OF JOANN PATRICIA FEIKES,

16                    Plaintiff's,

17                    v.

18     CARDIOVASCULAR SURGERY ASSOCIATES  
19     PROFIT SHARING PLAN AND TRUST;  
20     JAMES B. DAUGHARTHY, M.D.,  
21     CHARTERED, d/b/a CARDIOVASCULAR  
22     SURGERY ASSOCIATES, in its capacity as Plan  
23     Administrator of the CARDIOVASCULAR  
24     SURGERY ASSOCIATES PROFIT SHARING  
25     PLAN AND TRUST; JAMES B.  
26     DAUGHARTHY, M.D., in his capacity as  
27     Trustee, and in his capacity as an Advisory  
28     Committee Member, of the CARDIOVASCULAR  
29     SURGERY ASSOCIATES PROFIT SHARING  
30     PLAN AND TRUST; and, JESSE L. PERRY,  
31     M.D. in his capacity as Trustee, and in his capacity  
32     as an Advisory Committee Member, of the  
33     CARDIOVASCULAR SURGERY ASSOCIATES  
34     PROFIT SHARING PLAN AND TRUST,

35                    **STIPULATION AND ORDER**

36                    Defendants.

37     This Stipulation and Order is entered into between Plaintiff BRUCE E. MOORE,  
38     EXECUTOR OF THE ESTATE OF JOANN PATRICIA FEIKES ("Plaintiff"), by and through  
39     his attorneys of record, James H. Walton, Esq. of the law firm of NITZ WALTON, LTD. and

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1 Defendants CARDIOVASCULAR SURGERY ASSOCIATES PROFIT SHARING PLAN  
2 AND TRUST; JAMES B. DAUGHARTHY, M.D., CHARTERED, d/b/a  
3 CARDIOVASCULAR SURGERY ASSOCIATES, in its capacity as Plan Administrator of the  
4 CARDIOVASCULAR SURGERY ASSOCIATES PROFIT SHARING PLAN AND TRUST;  
5 JAMES B. DAUGHARTHY, M.D., in his capacity as Trustee, and in his capacity as an  
6 Advisory Committee Member, of the CARDIOVASCULAR SURGERY ASSOCIATES  
7 PROFIT SHARING PLAN AND TRUST; and, JESSE L. PERRY, M.D. in his capacity as  
8 Trustee, and in his capacity as an Advisory Committee Member, of the CARDIOVASCULAR  
9 SURGERY ASSOCIATES PROFIT SHARING PLAN AND TRUST ("hereinafter collectively  
10 "Defendants") by and through their attorneys of record, Thomas W. Davis, II, Esq. and Gwen  
11 Rutar Mullins, Esq. of the law firm of HOWARD & HOWARD ATTORNEYS, based on the  
12 following:

13 Scheduling conflicts, including vacation time, have prevented and/or are preventing the  
14 parties from adhering to the standard briefing time as to Plaintiff's Motion to Alter or Amend  
15 Final Judgment (Doc. 153) ("Plaintiff's Motion"). Defendants have requested of Plaintiff up to  
16 and including November 16, 2017, in which to file their Opposition to Plaintiff's Motion and  
17 Plaintiff's counsel has requested up to and including December 12, 2017 to file his Reply brief.  
18 All parties agree to this new briefing schedule.

19 **STIPULATION**

20 Based on the foregoing, the parties, by and through their counsel, stipulate and agree as  
21 follows:

22 1. Defendants' date to file their Opposition to Plaintiff's Motion should be extended  
23 such that Defendants shall now have up to and including November 16, 2017 in which to file  
24 their Opposition to Plaintiff's Motion and Plaintiff shall then have up to and including  
25 December 12, 2017 in which to file his Reply brief.

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2. This is the First Extension Request as to the briefing of this issue.

HOWARD & HOWARD ATTORNEYS      NITZ WALTON, LTD.

Thomas W. Davis, Esq.  
Gwen Rutar Mullins, Esq.  
3800 Howard Hughes Pkwy., Ste. 1000  
Las Vegas, Nevada 89169  
Dated: 10/25/2017

*James H. Walton*

James H. Walton, Esq.  
601 S. Tenth St., Suite 201  
Las Vegas, Nevada 89101  
Dated: 10/25/17

### ORDER

BASED upon the above Stipulation, it is hereby ORDERED that Defendants shall now have up to and including November 16, 2017 in which to file their Opposition to Plaintiff's Motion (Doc. 153) and Plaintiff shall then have up to and including December 12, 2017 in which to file his Reply brief.

DATED this 27 day of October, 2017.

*Lloyd D. George*  
UNITED STATES DISTRICT JUDGE  
LLOYD D. GEORGE

Submitted by:

HOWARD & HOWARD ATTORNEYS

Thomas W. Davis, II, Esq.  
Nevada Bar No. 2531  
Gwen Rutar Mullins, Esq.  
Nevada Bar No. 3164  
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